

Item 5-1

Dear Planning Commissioners Irving, Topping, Meyer, Murphy and Campbell,

Please support your staff's recommendation to **deny** Las Pilitas Resources' request for a conditional use permit and reclamation plan to allow gravel mining on a 234-acre site on the north side of Highway 58 east of Santa Margarita. The proposed operation of the quarry and the heavy truck traffic it will generate will make Highway 58 unsafe for bicycling from the community of Santa Margarita, and from Creston down the 229 Highway.

The Final Environmental Impact Report failed to adequately address many concerns, including significant traffic impacts. If this project is approved, the following minimum mitigation measures should be required:

- 1) Installation of continuous Class II bicycle lanes from Santa Margarita to the quarry site to protect bicyclists from heavy truck traffic. Under current road conditions, it's nearly impossible for motorists to pass bicyclists in compliance with the Three Feet for Safety Act.
- 2) A left turn lane for northeast-bound gravel trucks on State Route 58 and an acceleration lane for gravel trucks exiting the project site.
- 3) A maintenance plan or contract that will ensure the highway surface and shoulders are repaired as they are broken down by the additional heavy truck traffic.
- 4) A street sweeping program that will regularly remove gravel and other truck-related debris that poses a safety hazard to bicyclists.
- 5) Bike lanes, crosswalks, sidewalks and other infrastructure improvements that will ensure children will have Safe Routes to School within the community of Santa Margarita.

I sincerely hope the broader concepts of the importance of maintaining the current aquarian peacefulness of the town of Santa Margarita, safety of cyclists, bikers and others who travel along that corridor prevail and this quarry at this location is abandoned.

Regards,

Pamela Nargie

Templeton

Item 5-2

Item 5-3

Hello Ramona,

I would like the Commission to know that I am adamantly opposed to the proposed new quarry in the highway 58 area. I am an avid cyclist and ride in that area on a constant basis. There are very narrow shoulders on hwy. 58 as it is and the last thing I want is to have to contend with multiple rock hauling trucks. In addition I believe the project will also involve the following other negative aspects:

1. Heavy truck traffic hauling tons of rock will greatly erode hwy. 58 and other feeder roads in the area. The estimated 170-200+ loads a day is preposterous.
2. Surface strip mines greatly degrade the landscape, and adversely affect native plants and wildlife in addition to domestic pets.
3. Surface blasting will greatly degrade the quality of life for all who live in the area and who pass through and try and enjoy the tranquility as well.
4. Polluting dust that will be created is a health hazard to all.

In summary, these negative aspects far outweigh any potential job creation; job creation in our area would be much better served if we focused on improving our infrastructure which would provide for far greater economic benefits.

Regards,

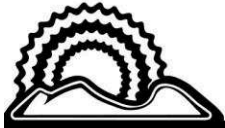
Geoffrey E. Brown
920 Rosebay Way
Templeton, Ca. 93465
cambriabrown@att.net
805-434-3763

Sent from my iPad

Item 5-4

Jim Irving-And all planning commission members- Sirs; Please allow this to serve as a letter of support of your Staff's recommendation to deny the application for the Las Pilitas rock quarry operation for all the facts and findings they list. Please note that while property rights are of great importance, when one property owner does something that profoundly negatively impacts the rights of his neighbors, nuisance laws come into play and this quarry project certainly negatively impacts its neighbors and the whole town of Santa Margarita. Please deny this proposed project. Respectfully Tim Haley

Item 5-5



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Please distribute to the Planning Commission.

Murry Wilson, Environmental Resource Specialist/EIR Manager
Department of Planning and Building
San Luis Obispo County
976 Osos St., Room 300
San Luis Obispo CA 93408-2040

January 23, 2015

Re: Final Environmental Impact Report for Las Pilitas Quarry Conditional Use Permit and Reclamation Plan

Dear Mr. Wilson:

The San Luis Obispo County Bicycle Coalition and the San Luis Obispo Bicycle Club appreciate the opportunity to provide some final comments on the Final Environmental Impact Report (FEIR) for the Las Pilitas Quarry Conditional Use Permit and Reclamation Plan. We both testified at the Dec. 11, 2014, public hearing and attended the Jan. 8, 2015, continued hearing.

Our primary concern is for the safety of all users of State Route 58, particularly the segment between Santa Margarita and the quarry site. It is our feeling that the mitigation measures stated in the FEIR are woefully inadequate. Below is a recap of our previous comments and concerns regarding this proposed project.

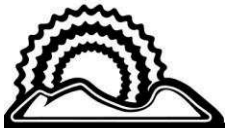
Use of Highway 58 by recreational bicyclists

We challenge the FEIR's conclusion that "recreational bicyclists are more likely to use State Route 58 on the weekends when the quarry is not operating." No measurements were provided as a basis for this conclusion. In fact, testimony at the Dec. 11 public hearing disputed this claim.

California's Three Foot Passing Law (CVC Section 21760)

With the current configuration of Highway 58 between the quarry site and the community of Santa Margarita, vehicles, especially large, heavy gravel trucks cannot comply with the legal requirements of the three foot passing law. Mitigation measures, such as the addition of a five-foot shoulder, is required to ensure that the three foot passing law is followed.

Caltrans Bicycle Level of Service (BLOS)



The BLOS analysis assumed State Route 58 has 2-foot shoulders, which it does not. We believe the Caltrans' analysis underestimates the already dismal score of "F" and we request that the analysis be conducted again to include Class II bike lanes.

Inadequate Traffic Impact Analysis

The Traffic Impact Analysis is inadequate because it is based on passenger vehicles, not gravel trucks. To bicyclists, gravel trucks - due to their width, length and weight - **are not** equivalent to passenger vehicles. There is a significant inequity between the analysis completed for the quarry project and the analyses completed for the Topaz Solar Farm's FEIR and the Sunpower California Valley Solar Ranch.

Left turn lane at the quarry entrance for northeast-bound traffic

A left turn lane for northeast-bound gravel trucks on State Route 58 is essential for safety. Without a left turn lane, vehicles behind the gravel trucks may attempt unsafe passes of the turning truck, potentially conflicting with bicyclists traveling either direction on the roadway. This concern remains true even if a Class II bicycle lane or adequate shoulder is required.

Acceleration lane

An acceleration lane for gravel trucks exiting the project site is also needed so southwest-bound vehicles don't pass accelerating trucks in the regular travel lane, threatening the safety of northeast-bound bicyclists and motorists.

Paved quarry access road

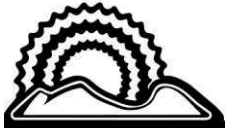
An appropriate length of the access road, to be determined by the SLO County Department of Planning and Building, must be paved to prevent gravel and debris from collecting at the intersection with State Route 58 and posing safety concerns for bicyclists and motorists.

Screening and debris collection program

A screening/debris collection program must be implemented before gravel trucks leave the project site to enter State Route 58. This effort will reduce the amount of gravel strewn on the roadway, posing safety concerns for bicyclists and motorists.

Roadway sweeping

A regular sweeping of State Route 58, to be defined by the SLO County Department of Planning and Building, must be implemented and paid for by the applicant to prevent debris from collecting on the roadway, posing safety concerns for bicyclists and motorists.]



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County imposed sanctions on a state highway

We understand State Route 58 is under Caltrans' jurisdiction, but believe the county can impose mitigation measures regardless of Caltrans' actions or inactions because this is a county land-use project with significant environmental impacts. If the county approves this project despite staff's conclusion that it is probably inconsistent with the County's General Plan, the minimum mitigations to protect the safety of all highway users, including bicyclists, are Class II bicycle lanes from the community of Santa Margarita to the project site, a left turn lane into the site and an acceleration lane at the project site.

We believe the addition of the many daily truck trips to and from the quarry site will degrade the overall condition of Highway 58 for all users of the roadway. The applicant must be required to pay for a fair share of damage that the trucks will cause to the roadway.

On behalf of the many cycling enthusiasts in San Luis Obispo County, we appreciate the efforts of the members of the Planning Commission and county staff to study and analyze this complex project. We also ask that the Planning Commission impose the appropriate mitigation measures that ensure the livability of the Santa Margarita community and the safety of all users of the roadways that surround the community.

Sincerely,

Lea Brooks, Chair
SLO County Bicycle Coalition & Board Member

Dave Abrecht, Advocate
San Luis Obispo Bicycle Club

Item 5-9

Dear Commissioners:

We noted that one of the speakers at the January 8th Planning Commission hearing on the Las Pilitas Quarry application commented on Air Quality revisions in the Final EIR (FEIR). The speaker questioned why portions of the Draft EIR (DEIR) discussion on project emissions (ROG+NO_x and PM₁₀ Fugitive Dust) were struck out, and why the DEIR's findings of Class 1 (significant and unavoidable) impacts were reduced in the FEIR to Class 2 (less than significant).

In its Thematic Response #3 – Air Quality Mitigation Strategy Accepted by the SLOAPCD (attached), the FEIR explains that the DEIR's findings of significant and unmitigable impacts for project emissions were based on the premise that acceptable mitigations could be applied, but that such mitigation had not, as yet, been accepted by the SLO APCD. The Thematic Response goes on to divulge that SLO APCD has subsequently agreed to accept additional mitigation from the applicant that would serve to successfully reduce project emissions below the level of significance.

As a result, the EIR's findings in regards to project emissions were reduced to "less than significant" (aka "significant but mitigable"). Correspondingly, language from the DEIR Air Quality section that was no longer applicable was struck out and replaced in the FEIR with new language referencing SLO APCD's acceptance of the additional air quality mitigations and their effect to reduce project emissions below the level of significance.

Sincerely,
Don Ritter

Don Ritter Consulting

Land Use Planning • Environmental Compliance • Project Permitting

Don O Ritter, *Principal*
8895 Pino Solo Ave.
Atascadero, CA 93422
cell: 805-610-5766

[attachment "FEIR Thematic Response No 3 – Air Quality Mitigation.pdf" deleted by Ramona Hedges/Planning/COSLO]

[Scanned @co.slo.ca.us]

FINAL EIR OSTER/LAS PILITAS QUARRY COMMENTS AND RESPONSES

addressed within the employer's Injury and Illness Prevention Program (IIPP, as required by Title 8, Section 3203).

As Lead Agency for this EIR, the County of San Luis Obispo recognizes the County Public Health Department's guidance for avoiding and treating control worker exposure to species of *Coccidioides* (cocci), the fungal agent that causes Valley Fever. Accordingly, through implementation of the above control measures, the County considers the environmental effect of this project on public health issues to be less than significant.

3. Thematic Response #3 – Air Quality Mitigation Strategy Accepted by the SLOAPCD:

A number of public comments on the Draft EIR have expressed concern about potentially significant air quality impacts which may result from implementation of this proposed quarry. The Draft EIR reported that: *it appears that it may be possible to develop additional measures in consultation with SLOAPCD that would be capable of reducing annual emissions to below the 25 tons/year threshold. It is much more problematic, however, to identify measures that would be capable of reducing the peak daily emissions below the 25 pounds/day threshold. For this reason, the ROG+NO_x emissions of the project are considered to be a significant and not mitigable impact.*

In other words, the Draft EIR concluded that Impacts AQ-1a (NO_x+ROG and particulate matter emissions) should be considered “significant and not mitigated”.

The San Luis Obispo County Air Pollution Control District (APCD) is the local agency working to protect the health of over 269,000 county residents by preserving good air quality. By partnering with the local communities and businesses APCD implements regulations and programs to reduce air pollution and assists the County in reaching all outdoor air quality standards.

The applicant and APCD have consulted on all air quality issues and have reached agreement to include several additions to the Air Quality analysis presented in the EIR. In particular, the applicant and APCD agree that Mitigation Measure MM AQ-1a shall be expanded to include the following additional requirements:

5. *Prior to issuance of a Notice to Proceed for the first phase of the quarry operation, the applicant or quarry operator shall pre-purchase off-site ROG + NO_x mitigation from the SLOAPCD, as outlined in the approved AMP and based on the then-in-place pricing under the Carl Moyer Grant Program. Thereafter, the project operator shall report to the SLOAPCD as stated in the approved AMP. If applicant determines on-road diesel truck engine model years are not available and/or cannot be verified, applicant agrees to use the San Luis Obispo County on-road diesel truck fleet average*

FINAL EIR OSTER/LAS PILITAS QUARRY COMMENTS AND RESPONSES

emission factor and a total count of truck trips. SLOCAPCD shall then utilize this information to invoice the project operator in accordance with its off-site mitigation program any emissions deemed to exceed APCD thresholds during the reporting period. Copies of all reports, invoices, and payments under this program shall be provided to the Department of Planning and Building for verification and audit.

6. *The AMP shall include, but not be limited to the following elements:*
 - a. *General project phase schedule and a description of activities and all project generated emissions, including vehicle haul trips, blasting, recycling, off-road vehicle activity and diesel equipment.*
 - b. *Description of mitigation measures, including all equipment emission reduction measures.*
 - c. *A timeline for submittal of quarterly reports.*
 - d. *A section describing contents of quarterly reports. Include a description of the tracking mechanism to ensure the truck engine model year is as stated in the AMP. Describe the use of the weigh scale software in tracking vehicle trips. Include the contact person(s) responsible for monitoring. Provide phone, email and mailing address of responsible contact person.*
7. *The quarterly reports shall include, but not be limited to the following elements:*
 - a. *Tabulation of on and off-road equipment used during the reporting period (age/model year, horsepower, engine tier, miles and/or hours of operation).*
 - b. *Tabulation of on-road truck trips and hours of use for off-road equipment, blasting activity.*

The San Luis Obispo County Air Pollution Control District (APCD) has indicated on-site and off-site mitigation of air quality impacts (including NO_x+ROG, as well as PM₁₀) can and will be incorporated into the project, to reduce the project emissions below a level of significance. According to Gary Arcemont, Air Quality Specialist for the San Luis Obispo County Air Pollution Control District, and based on the agreement reached between the applicant and APCD, the District recommends that the conclusions in the EIR relative to Impact AQ-1a (relating to NO_x+ROG) and Impact AQ-1b (relating to PM₁₀ Fugitive Dust/particulate matter emissions) should be changed from “significant and not mitigated” to “significant but mitigable.”

The County of San Luis Obispo, as Lead Agency defers to the technical and policy expertise of the San Luis Obispo County Air Pollution Control District, and agrees with

FINAL EIR OSTER/LAS PILITAS QUARRY COMMENTS AND RESPONSES

the recommendations of the District, as a Responsible Agency. Text Revision #18 documents the change in EIR conclusions, from “significant and not mitigated” to “significant but mitigable” or “less than significant” – Class II.

4. Thematic Response #4 – Traffic Analysis/Assumption of 800 Trips per Day:

The value of 800 trips per day was briefly mentioned in the Draft EIR, but is not proposed as part of the project and was not analyzed in the EIR. Such an intense level of operation could only occur under extraordinary and unpredictable circumstances, such as an emergency highway repair project which might need aggregate from any number of sources. In other words, this trip generation rate of 800 trips per day was based on a hypothetical production rate which is not “reasonably foreseeable.” Normal operations of the project will be limited to the maximum production rate of 500,000 tons per year, with the 273 truck trips per day and other operating parameters as described in the EIR. In order to accurately define the actual scope of the project covered by the EIR, the reference to 800 trips per day has been clarified in Section 2.3.3 as follows:

In summary, the aggregate mine project is expected to generate, on average, 198 heavy truck trips per day for the purpose of delivering aggregate material from the property to regional job sites. Adding in the deliveries of concrete and asphalt material to the project site for recycling, will increase this number of truck trips per day by 75. This number is likely to be high since the amount of backhauling may be more than the 50 percent assumed above. Thus, the estimate of the average daily truck trips for the entire project is 273. Employee trips, assuming from three to five employees making an average of two trips per day, would amount to 10 passenger vehicle trips per day.

It is also possible that for specific projects, these average numbers of trips per day may be exceeded for short periods, but only during an emergency situation necessitating aggregate materials and only with prior authorization from the Department of Planning and Building. Up to 800 truck trips per day may be anticipated during an emergency situation for a limited time and only until the specific emergency situation is resolved. ~~for a large project.~~

It is also possible that for specific projects, these average numbers of trips per day may be exceeded for short periods, but only during an emergency situation necessitating aggregate materials and only with prior authorization from the Department of Planning and Building. Up to 800 truck trips per day may be anticipated during an emergency situation for a limited time and only until the specific emergency situation is resolved. In other words, this trip generation rate of 800 trips per day is not reasonably foreseeable.



Paso Robles Bicycle Stakeholder's Committee

To: County Planning Commission

Feb 2, 2015

Re: Las Pilitas Quarry Project

The Paso Robles Bicycle Stakeholder's Committee would like to comment on the cycling aspects of the proposed Las Pilitas Quarry Project. While based in Paso Robles, our committee is concerned with cycling issues in the North County.

We would like to support the conclusions of the SLO Bicycle Coalition and the SLO Bicycle Club which have submitted specific concerns for this project concerning cycling and cycling safety.

If this project is approved, we believe Class II bike lanes would be necessary to insure the safety of cyclists. Hwy 58 is a major cycling route and is used daily by many cyclists. It is a primary access point for many cycling routes in the area.

The North County area is one of the best cycling areas in California. It will continue to grow and attract not only local cyclists but tourists from around the world.

If this project moves forward, it seems incumbent on all of us to take into consideration the safety of all users of this road and make sound planning decisions that will allow everyone to be able to use this area safely.

Sincerely,



Steve Fleury

Chair, Paso Robles Bicycleholders Committee

Item 5-14

2/4/2015

Hello Commission members,

I have missed my opportunities to speak in front of you due to my work schedule and I still want to have my voice heard.

I am in Support of the Las Pilitas Quarry. I am a resident of the area directly influenced by the Las Pilitas quarry project. I will be driving by and dealing with the traffic and visual aspects of this project on a daily basis and I see no problem with this. This Granite is a terrific high quality aggregate resource for residents of our county to use. I watched the San Miguel Bridge torn down and rebuilt due to poor quality aggregate. What a waste of tax money!

I am very happy to potentially see local owners of this permit as they will be putting profits back into our communities at such opportunities as support with our kids in FFA and 4H at the Mid-State fair and other character building community programs.

We all know that the EIR studies the extremes of every project and the traffic from this project will come nowhere near the studied numbers of truck trips. This is a fact! Visually, we already look at Hanson's quarry, so what's changing? The Las Pilitas permit has a better reclamation plan for the visual impacts than Hanson's permit anyway.

I have talked with many residents on Parkhill Rd who would support this project if they were put in front of your commission. I believe SMAC does a good job representing these Community members and I would recommend listening to SMAC's Vote.

In conclusion I will say that the community benefits from this project outweigh the negative aspects and I, and many others, would like to see approval of this project

Best Regards,

Chad Pankey,

Parkhill Rd. resident owner (not a renter) for more than a decade



Las Pilitas Quarry project

Mary

to:

rhedges

02/04/2015 09:22 AM

Hide Details

From: Mary <webb.mary599@gmail.com>

To: rhedges@co.slo.ca.us

February, 4, 2015

Ramona Hedges,
Planning Commission Secretary

rhedges@co.slo.ca.us

Phone : 781-5612

Good morning Ms. Hedges,

I am very concerned about the Las Pilitas Quarry project as it affects all of us in San Luis Obispo County. The project should not be allowed to use a discretionary permit and waivers to our Land Use Ordinances. This is a large scale industrial aggregate mine operation that includes blasting near residential areas, schools, and the community park. The amount of truck

traffic alone severely affects the town of Santa Margarita and SR 58. All of San Luis Obispo County residents want our land use laws to prioritize future livability and safety of our communities, not just profits.

The staff report is well written and strongly recommends denial of this project. Please add my name to the list of residents who agree with staff that this project should be denied.

Thank you for your attention to this matter and please distribute my email to the Planning Commissioners.

Mary Webb
1186 Hartford
Cambria, CA 93428

cc: boardofsupps@co.slo.ca.us

San Luis Obispo County Planning Commission
976 Osos Street, Room 200
San Luis Obispo, CA 93408-2040

February 3, 2015

RE: Oster/Las Pilitas/Hwy. 58 Quarry Conditional Use Permit and Reclamation Plan (DRC2009-00025)

Chairman Topping and Commissioners,

I write to address a few of the many mistruths being repeated often by the project applicant. As you know, wise planning decisions require effort, research, and verification of claims being put forth.

1. Hwy 58 is a state owned roadway but it is not accurate to claim the county has no ability to place restrictions on traffic circulation relating to local land use decisions.

In his February 7, 2012 response to my January 23, 2012 letter regarding public safety on Hwy. 58, then District 5 Caltrans Director Richard Krumholz states; *“information specific to your concerns are available from the county of San Luis Obispo who is responsible for the monitoring and enforcement of trucking activities mentioned in your correspondence”*.

Land Use Ordinance Title 22.62.060(C)(4) requires a number of findings that must be made in order to approve a CUP. Each finding must be supported by evidence in the record. The Review Authority shall not approve or conditionally approve a CUP unless it can first make the findings. Finding (E) reads; *“that the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project”*.

All ; the whole amount, quantity, or extent of. Clearly, the county has authority, but moreover a duty, to make responsible land use decisions that address public health and safety impacts on all roads providing access to the project. This authority has been consistently exercised and upheld. To proceed otherwise would not be consistent with the LUO or prior practice, and would be inequitable to applicants who have had restrictions and strict conditions placed on their use of state owned roadways through regulation of land use.

An especially relevant example is the Conditions of Approval (COA) for construction of the solar projects on the Carrizo since many of the restrictions specifically addressed the segment of Hwy. 58 this project proposes to utilize as an industrial haul route. The issues of fairness and consistency decision makers apply to various applicants arise considering this project seeks a permit for up to 58 years while construction on the solar projects lasted just over 2 years (less than 3-1/2% of this timeframe).

By the applicant's logic, a large number of parcels in San Luis Obispo county would fall within “sovereign territory”.

2. Project impacts to safety on Hwy 58 are not overstated, but in fact more likely understated

This is substantiated by photographic and video evidence compiled during temporary construction of the solar projects on the Carrizo. Even with a relatively small truck count (monthly averages were roughly equal to what this project proposes daily), truck traffic associated with construction of two solar projects on the Carrizo provided residents a preview that created awareness and concern. This prompted residents to document events they were witnessing.

The Conditions of Approval and Traffic Control Management Plans (TCMPs) for both First Solar and CVSR were detailed and lengthy precisely because they recognized the hazards to public safety associated with the haul route. Road wear and tear was also addressed in detail (see COA 130 for CVSR). While technically Hwy. 58 may be a state owned roadway, it functions as a local “rural arterial route” and thus is very much of local concern.

I am including a letter dated January 23, 2012 that I submitted to the Planning Director and others. It contains some background information and photos compiled during the early phases of construction on the solar projects. All photos were taken within the boundaries of the haul route being proposed by this project. I did not oppose the solar projects, but what a small fraction of truck trips as compared to this proposal revealed was alarming. The scale of this proposal is inappropriate for its location and would create an unnecessary situation that over time will result in serious accidents and fatalities.

Thank you for your consideration of the health, safety, and welfare of our community and the research your staff has based their comprehensive analysis and subsequent recommendation for denial on.

Charles Kleemann
Rural Santa Margarita

The following 4 pages contain the letter dated January 23, 2012 regarding the sudden increase in large truck traffic when construction of the solar projects began.

Jason Giffen, Planning Director
SLO County Planning and Building
976 Osos Street, Room 200, San Luis Obispo, Ca. 93408

Richard Krumholz, District 5 Supervisor
Department of Transportation
50 Higuera St., San Luis Obispo, Ca. 93401-5415

Business, Transportation, and Housing Agency
Attn: Dennis Trujillo
980 9th Street, Suite 2450
Sacramento, Ca. 95814-2719

Malcolm Dougherty, Acting Caltrans Director
P.O. Box 942873
Sacramento, Ca. 94273-0001

Jim Patterson, 5th District Supervisor
County Government Center Room D-430
San Luis Obispo, Ca. 93408

Re: Public safety concerns

January 23, 2012

I am a resident of Santa Margarita. My home is located approximately 3 miles east of the town (PM 4.8) on Hwy. 58 (Calf Canyon). I am writing to bring to your attention the current impacts being experienced within Santa Margarita and along the western portion of Highway 58 from Parkhill Rd. (PM 5.4) to Estrada/El Camino Real (PM 1.5), a portion of Hwy. 58 I travel often, and know well. Significant public safety hazards to the general motoring public, bicyclists, and pedestrians are occurring frequently. Effective and enforceable remedies need to be implemented.

Current Information and Observations:

- Residents and commuters have experienced a drastic increase in heavy truck traffic on rural Ca. Hwy. 58 (Calf Canyon) since late September of 2011.
- Category 1 and 2 equipment haulers, Category 3 gravel hauling double transfers and belly dumps, and all manner of delivery vehicles falling into Category 1, 2, and 3, have been routing through Santa Margarita to California Valley and back on Hwy. 58, related to construction activity on the Carrizo.¹
- The Conditions of Approval for these construction projects took into account the hazards of these trucks on a Ca. Legal Yellow Advisory Route and specifically identified routes along with scheduled convoys and other safety precautions. The Conditions of Approval prohibit Category 1 and 2 trucks from routing through Santa Margarita on Hwy. 58.² This Condition of Approval is being routinely violated.
- Hwy. 58 is a Ca. Legal Yellow Advisory Route (**figure 1**) beginning at J Street in Santa Margarita (PM 1.9).³ "an advisory system was created because Caltrans is prohibited from restricting the KPRA on these routes. A truck with a KPRA longer than that posted may not be able to stay in its lane. Although California Legal trucks may legally travel on advisory routes, the driver is still legally responsible for unsafe off-tracking, such as crossing the centerline or driving on shoulders, curbs and sidewalks." ⁴



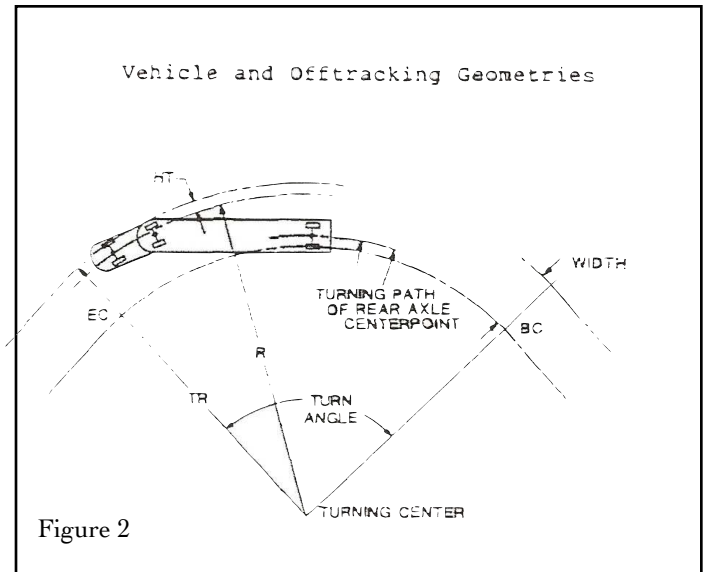
Figure 1

- Off-tracking is a geometric relationship (figure 2) determined by the specific vehicle and road dimensions . Good driving skills do not mitigate the effects of off-tracking, but poor driving skills compound the effect of the inevitable event.

Photos 6 and 7 illustrate poorly driven trucks drifting over centerline through relatively straight sections of the road.

- The Environmental Impact Reports failed to consider or address Category 3 gravel trucks routing through Santa Margarita to Navajo Quarry, therefore, the public was not provided any opportunity or information to make comment. These Category 3 pintle attached trailers technically meet the KPRA requirements if terminology is the only consideration.

These 65' and greater in length combinations are unable to safely negotiate curves due to the geometry of off-tracking ⁵, creating significant safety hazards. **Photos 1-5** illustrate various truck/trailer combinations (Category 1,2, & 3), all creating equally unsafe road conditions for the general motoring public, bicyclists, and pedestrians.



Actions needed to address public safety:

- Monitoring and enforcement of Conditions of Approval for construction activities.
- Effective communication to Category 1 and 2 truck drivers of the condition that prohibits them from routing deliveries through Santa Margarita.
- Public notification/warning of periods when heavy Category 3 gravel truck traffic (traffic that never received analysis on the route currently being used, but traffic that is now threatening public safety) will be routing through Santa Margarita. Residents, commuters, and recreational users of affected areas deserve implementation of a noticing system that will enable them to make informed decisions about what dates and times offer safe windows.
- The staging of gravel trucks (and other vehicles that are traveling back and forth empty) on job-sites would enhance public safety as well as reduce vehicle emissions. Commuting back and forth could be achieved with improved safety and efficiency by carpooling in passenger vehicles. A reduction in costs for operators of these large trucks would seem to provide economic incentive.

Immediate responsible action to alleviate this public nuisance would be a step towards reassuring the public that their safety is a priority and that permit conditions and impact mitigation measures are not just paper in a folder, but are physically meaningful and are being fulfilled. Thank you for your prompt attention to this matter.

Charles Kleemann
6790 Calf Canyon Rd.
Santa Margarita, Ca. 93453



Photo 1 - Westbound Category 2 truck (not compliant with conditions of approval) simultaneously crossing centerline and infringing into shoulder forcing eastbound pickup off road (J Street in Santa Margarita, PM 1.9).



Photo 2 - Westbound Category 2 equipment hauler (not compliant with conditions of approval) dangerously crossing centerline (approx. 1/4 mile east of Hwy. 58/Pozo Rd. junction PM 3.5)

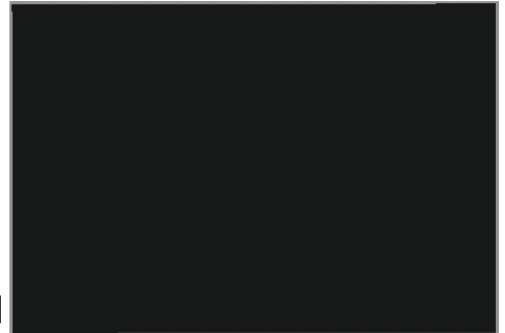


Photo 3 - Eastbound Category 3 trailer occupying most of the westbound lane (J Street in Santa Margarita, PM 1.9)

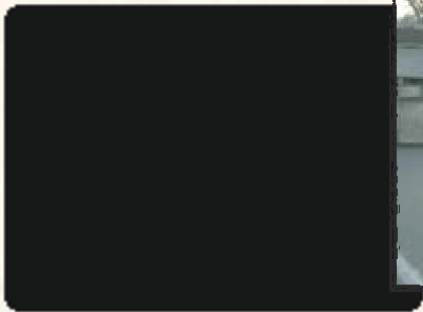


Photo 4 - Eastbound Category 3 double belly dump (gravel hauler) crossing centerline (J Street in Santa Margarita, PM 1.9)



Photo 5 - Westbound Category 3 gravel hauler in shoulder (J Street in Santa Margarita, PM 1.9)



Photo 6 - PM 2.2



Photo 7 - PM 2.2

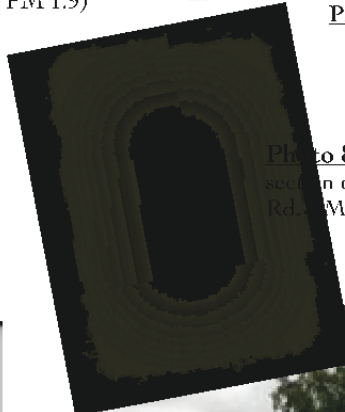


Photo 8 - Recent road damage through a section of Hwy. 58 (just west of Parkhill Rd., PM 5.2) without shoulders.



Photo 9 - Eastbound Category 3 gravel hauler in school crossing. (Estrada and H Street in Santa Margarita.



Photo 10- Gravel hauling trucks staged on a formerly vacant lot in the town of Santa Margarita. They commute back and forth to Navajo Quarry empty (carrying no project related materials).

Document Footnotes:

¹ Category 1 — Oversized loads (require Caltrans “extra-legal” permit) , Category 2 — Non-Oversized loads that exceed the 30-Foot KPRA Advisory for SR 58, Category 3 — Non-Oversized loads that meet the 30-Foot KPRA Advisory for SR 58 (Excerpted from Traffic Control and Management Plan for CVSR, prepared by Associated Traffic Engineers)

² Traffic Control and Management Plan for the CVSR prepared by Associated Traffic Engineers (ATE)

³ <http://www.dot.ca.gov/hq/traffops/trucks/truckmap/truckmap-d05.pdf> District 5 truck maps

⁴ <http://www.dot.ca.gov/hq/traffops/trucks/routes/truck-routes.htm> California Department of Transportation Truck Sizes and Routes

⁵ Off-tracking is the tendency for rear tires to follow a shorter path than the front tires when turning. Off-tracking is a primary concern for longer vehicles because rear tires may clip street signs, or drive onto shoulders, walkways, or bike lanes, or cross the centerline on a curve, creating hazard for adjacent and oncoming traffic. (Caltrans Truck Study Report State Route 33)

To the Board:

The Las Pilitas Quarry project should not be allowed via a discretionary permit and waivers to the county's Land Use Ordinance. This industrial project is incompatible with the rural lifestyle of the residents living nearby and San Luis Obispo County's best interests. This project will affect all San Luis Obispo county residents in future. This is not the kind of development that is appropriate.

Residents justifiably object to the truck traffic past their homes and school. Add my name to support them and the staff recommendation to deny a permit to this project. Thank you.

--

Christine Heinrichs

William Miller

17395 Oak Rd.
Atascadero, CA 93422

January 29, 2015

San Luis Obispo Planning Commission
(Please distribute)

Regarding: Las Palitas Quarry (DRC 2009-00025)

Dear Commissioners:

I have been following the Planning Commission hearings (and the entire process from Scoping to NOP to the present time) regarding the proposed Las Pilitas Quarry with keen interest. I'd like to comment on one aspect that has not received the proper attention:

Much has been said by the proponents about the character of the applicants. They have been characterized as "good people," "solid citizens," "stewards of the land," etc. Normally this is irrelevant information since the facts in any land use application should speak for themselves. Determination of an individual's character is usually difficult to quantify. However, I feel this case is different for the reasons cited below.

One of the applicants, Mike Cole, has run an illegal trucking operation in the near neighborhood of the proposed quarry for many years—until he was caught by County Code Enforcement. The Enforcement case number is COD 2010-00095 (Use not allowed or established without a permit). The Code Enforcement department is closed-lipped about this case. I can agree with the policy because I am aware of some intimidation being waged against those who have spoken against the proposed project. I have discovered some verifiable facts on this case, however, to wit:

Google Earth images from as early as 1994 give a clear indication of the extent of this unpermitted trucking operation (see Figure 1, below). As many as 17 trucks can be counted, along with fueling, maintenance, administration and dispatch operations, boneyards and expansive truck parking areas. I have also seen photographs of the operation and spoken to people who have lived and worked on the site. This operation was significant in scale and lasted many years.

The operation at that location continues to this day, even after code enforcement visits. Trucks are visible in the latest Google Earth images. Observers have seen trucks entering and exiting the driveways to this property on a regular basis. It is unfortunate that the code enforcement action apparently did not require that the infrastructure be removed—it should have.

This blatant disregard for the law and of the impact to others is disturbing enough in and of itself, but because a trucking operation is so intrinsic to the operation of a quarry, one cannot help but wonder if the Mike Cole property will gradually become the de facto staging and maintenance facility for the Las Pilitas quarry.

This situation is even more relevant at this time in view of correspondence from the applicant's attorney, Ms. Treder, dated 1/7/2015 and which is part of the public record for this application. In her letter Ms. Treder confirms the existence of the illegal, unpermitted operation on page 6, paragraph 3 (see attached).

Ms. Treder's logic and veracity fail her, however, when she cites specifics of the illegal trucking operation that cannot possibly be true. The claim of 200,000 truck trips over 19 years, given 250 working days per year would yield 42 trips per day, each and every working day. This seems highly unlikely for an operation that started with a few trucks and topped out at 17. Given the specious nature of this claim, all conclusions derived thereof should be disregarded.

To summarize: normally the character of an applicant for a given project would be irrelevant and impossible to establish objectively. However, in this case, the record is clear. Due to the nature and scale of the disregard for the rules and regulations he should have respected, the character of Mike Cole is relevant. To say Mr. Cole is a good citizen appears to be debatable, at best. Any mitigation measures that might be imposed on a CUP will require monitoring and enforcement beyond the capability of any public agency. The request for the discretionary permit should be denied as recommended by staff.

Sincerely,

/signed/
William Miller

Encl: Letter from S Treder to staff, Excerpt

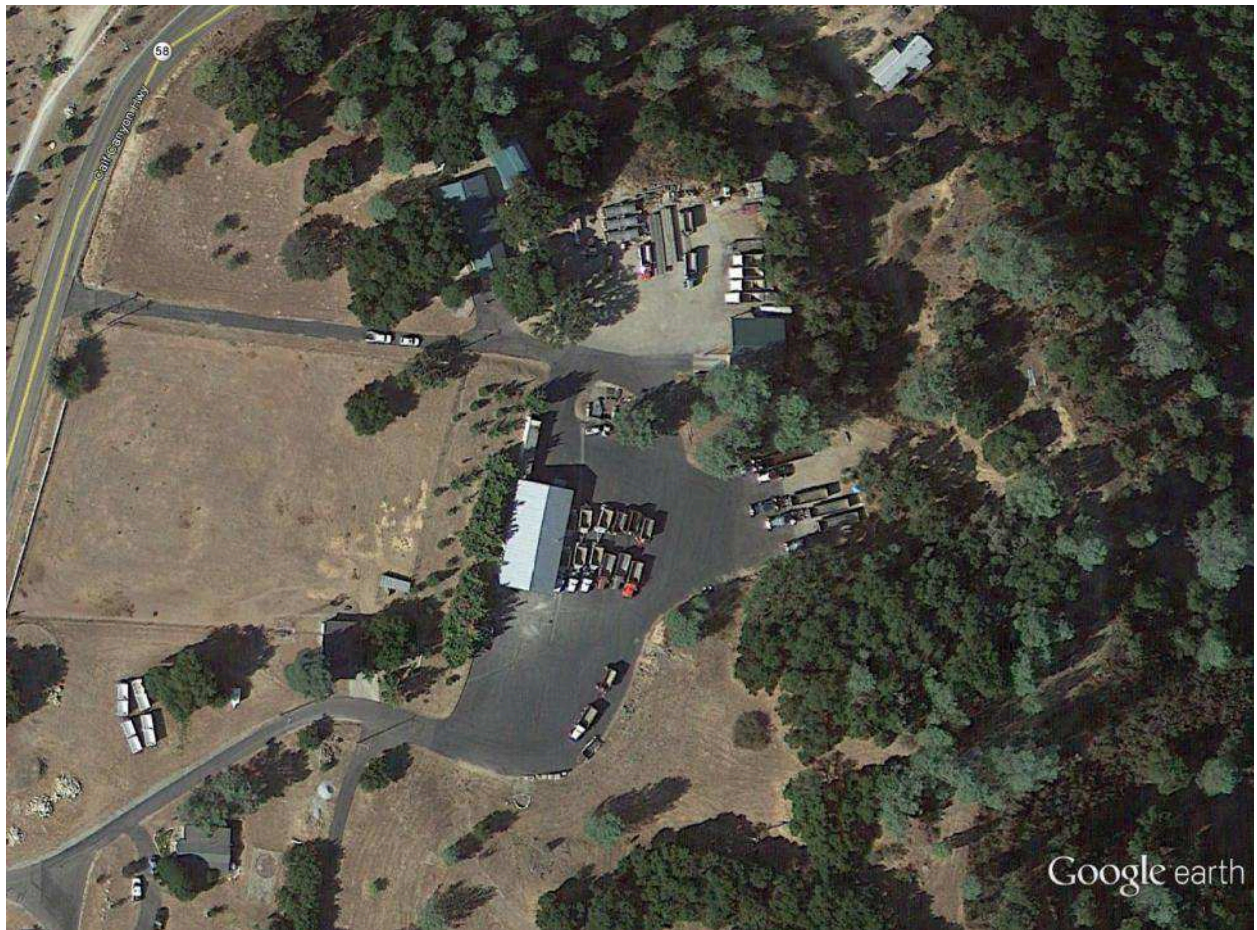


Figure 1



In sum, when the County adopted the EX1 overlay in 1991, it carefully considered land use compatibility issues, and believed that it was doing everything necessary to protect the minerals from encroachment of incompatible land uses, preserving them for future extraction and development.

C. The Las Pilitas Quarry Project History

The Oster family has owned the 234 acre property on which the Las Pilitas Quarry is proposed for three generations. Among the family, it has always been intended that the property be used for mining. (The presence of granite is clearly visible from the surface, and the Santa Margarita Quarry has been operating successfully nearby for nearly half a century. Moreover, given its steep slopes, there are not many other uses to which the land could be put.) In the mid-1990s, when DWR ran the State Water Project pipeline through the Oster's property, the Osters informed DWR of their future intentions to mine. Accordingly, DWR installed two reinforced crossings on the portion of the pipeline through the Oster property suitable for heavy gravel trucks, and set forth specifications for blasting in the vicinity of the pipeline.

The Oster property was specifically selected by the Las Pilitas partners because of its location within a mineral zone and frontage on a state highway. Mike Cole, one of the partners, lives across the street from the Oster property, and for 19 years (until 2011) he had his trucking company based at his house, with a fleet of up to 17 trucks. Accordingly, Mr. Cole knew from firsthand experience that large trucks could safely navigate that stretch of Highway 58 without issue. Indeed, the Coles estimate that over the years they have been in business, they have made over 200,000 successful truck trips past the elementary school and down this stretch of Highway 58 without issue.

The partners researched what would be required to permit an aggregate mine on the Oster property. The County's Land Use Ordinance showed that it was an allowable use, and the County's SMARA Ordinance provided reasonable development standards for mines, so an application was submitted. The originally-proposed project included an asphalt plant, but that was later removed because of community objections and infeasibility.

It is important to note that the project that is before you is relatively small-scale at only 500,000 tons per year, maximum. By contrast, the nearby Santa Margarita Quarry (Hanson) has annual limit of 700,000 tons, and Rocky Canyon (CalPortland) has an annual limit of 1.2 million tons.

Dear Ms. Hedges,

I am in agreement with the staff's report and recommendation that the Las Pilitas Quarry Project be denied by the Planning Commission. Please include my name in the list of those supporting denial of this project.

Respectfully,

Tina S. Dickason
574 Leighton St.
Cambria, CA 93428

Ms. Hedges

Sent from Windows Mail

As a long time resident of this County (Raised in Atascadero) I know this area well. I lived most of my high school years out at Santa Margarita Dam when Jim Harrington was the taker of the Dam. Here are my concerns about this project.

First the amount of diesel trucks that will be operating on the roads, this is going to increase the traffic on this little two way road going north and south. Second is the amount of diesel smoke that will be put into the air. I remember when there was no smog in this valley and now it's getting darker with every truck and car that comes into this area. The last issue is these LLC that are popping up every where they are only trying to rape the earth and when something happens they are not held responsible for there actions. Is this project worth the damage it will create?. Please add my name to the list of concern residents of SLO County that say NO to this project.

Jason Anderson
5212 Hillcrest DR
Cambria CA
710-2256



PLEASE listen to staff- Deny the Quarry on 58

Miranda Joseph

to:

ramona hedges

02/04/2015 02:10 PM

Cc:

Bruce Gibson

Hide Details

From: Miranda Joseph <mjoseph11@hotmail.com>

To: ramona hedges <rhedges@co.slo.ca.us>

Cc: Bruce Gibson <bgibson@co.slo.ca.us>

Dear Supervisors and Planning Commissioners:

Las Pilitas Resources, Limited Liability Corporation (LLC) is seeking a discretionary permit, including waivers to the San Luis Obispo County Land Use Ordinance, to allow a **large** scale industrial aggregate mine and asphalt/concrete crushing facility.

The EIR has identified many **significant impacts** that are not mitigable to Traffic, Aesthetics and Noise.

The mining operation, which includes blasting, would be adjacent to residential uses on small Residential Rural zoned properties. The project would include an average of 273 double hopper gravel truck trips daily on SR58 past residences, the elementary school, community park and through the town of Santa Margarita.

This route is popular with many in SLO county and beyond who enjoy bicycling, scenic drives, visiting the Carrizo Plains National Monument or just enjoying the small town character of Santa Margarita. Not to mention the Santa Margarita Ranch Ag. Cluster Development that is **ALREADY** permitted for development/construction of 112 mansions and a winery that will also be accessed off of the same Route 58 on the other side of Pozo road, just passed the bridge. Imagine the combined trucking/traffic impacts on that tiny two-lane road!? The **FIRST** phase of this development will take 10 years with additional phases and development plans to follow.

This country road will be gridlocked with diesel and Heavy construction equipment for decades to come. This is simply unacceptable.

This region has other existing industrial aggregate mines with large reserves sited in more appropriate locations. These existing quarry sites are surrounded only by very large Rural Lands and Ag. parcels, not Residential Rural, and they have less impactful haul routes and truck staging areas.

Wise land use decisions should prioritize the future livability and safety of our communities, not the **profits of just a few.**

We THE PEOPLE PAY for professionals to assess projects in our communities and to make fact-based determinations on whether these projects are appropriate and suitable for the health and welfare of our communities, our population and our environment. The Cole's and Souza's are very nice families. That has NOTHING to do with whether this project should be allowed there. PLANNING COMMISSION STRONGLY RECOMMENDS DENIAL of this project. What more do you need? PLEASE LISTEN to the professionals, YOUR STAFF! DENY this project for the benefit of ALL not the few and their paid lobbyists.

Sincerely,

Miranda Joseph and Family
Santa Margarita, CA

Lee Perkins	
Contact Information (Phone Number, Email, etc.)	futures333@gmail.com
Question or Comment	<p>RE: Las Pilitas Resources LLC (Oster) Mine Proposal</p> <p>Please follow the Staff's recommendation and DENY this project. This large scale industrial aggregate mine and asphalt/concrete crushing facility should not be allowed. The EIR has identified significant impacts that are not mitigable to Traffic, Aesthetics and Noise. Thank you Lee Perkins</p>



February 4, 2015

San Luis Obispo County Planning Commissioners
976 Osos Street, Room 200
San Luis Obispo, CA 93408-2040

RE: 2/5/15 Continuation of Oster/Las Pilitas/Hwy. 58 Quarry Conditional Use Permit and Reclamation Plan (DRC2009-00025)

Margarita Proud is a non-profit community organization that represents a diverse group of San Luis Obispo county residents committed to the safety, livability and character of Santa Margarita, CA and surrounding areas. We support responsible planning principles that result in economic and aesthetic well being for the entire community.

As the hearing to consider this large scale industrial proposal that significantly impacts it's immediate surroundings and the entire community of Santa Margarita continues, we believe our prior submittals regarding this matter (December 9, 2014 and January 7, 2015) remain apposite. In light of the project applicant's substantial efforts to obfuscate and misrepresent the overwhelming factual evidence supporting staff's recommendation for denial, we encourage you to review our prior submittals and to address correspondence placed into the record by the project applicant:

Re: Treder Land Law January 7, 2014 submittal:

A. Legal Framework Applicable to Mining Projects in Classified/Designated Areas

Regarding the State Mining and Geology Board's (SMGB) requirement to adopt a local Mineral Resources Management Plan (MRMP):

The applicant discusses the requirement that local agencies adopt a Mineral Resources Management Plan (MRMP) and the County's General Plan policies, but omits any mention of

Specific Plans for aggregate mining in the San Luis Obispo-Santa Barbara P-C Region. The following is found on pg. 22 of Special Report-215, Update of Mineral Land Classification: Concrete Aggregate in the San Luis Obispo-Santa Barbara Production-Consumption Region, California (2011):

SPECIFIC PLANS IN THE SAN LUIS OBISPO-SANTA BARBARA P-C REGION

San Luis Obispo and Santa Barbara counties have taken an important step in their planning process that is intended to ensure future access to a large part of their concrete-grade aggregate resources. Both counties have adopted Specific Plans designed to serve as the primary land use and regulatory guides for mining and reclamation in the Plan areas. The overall goals these plans are to provide for the long term production and conservation of aggregate resources in a manner compatible with existing surrounding land use, while minimizing adverse impacts to the environment. A 12 mile section of the Santa Maria and Sisquoc rivers is covered by a Specific Plan (Santa Barbara County, 1997; and San Luis Obispo County, 1998) adopted by both counties, and the Rocky Canyon Quarry area is included in a Specific Plan (San Luis Obispo County, 1998) adopted by San Luis Obispo County.

The plans set forth goals, objectives, and policies for resource utilization and protection, and environmental protection, as well as operation, reclamation, and monitoring criteria. All actions taken by the regulatory agencies involving plan review and approval for mining and reclamation within the Plan area must be consistent with these Plans. These Specific Plans represent significant additions to the mineral management policies of the two counties, as they include parts of the two largest PCC-grade aggregate resource areas in the P-C Region.¹

This discussion of mining and reclamation plans in the Santa Barbara-San Luis Obispo PC region demonstrates that there will be no shortage of aggregate in this region for the foreseeable future. These proven reserves are more than adequate for meeting the future needs of the County for the foreseeable future.

The proposed Las Pilitas quarry will be unable to contribute significantly to any future need for PCC-grade aggregate in the region for the following additional reasons:

- As the Project Description has been modified to eliminate wet processing (the washing of aggregate), this project will not be producing Portland Cement Concrete-Grade Aggregate (PCC-grade).
- This Project is within the same granitic deposit as both Hanson and Rocky Canyon, but the elimination of wet processing diminishes it's ability to produce the range of products Hanson and Rocky Canyon produce.
- Wet processing (washing of aggregate) would require significant water consumption and was not considered in the environmental analysis (FEIR).

¹ CGS, SR-215 (2011), pg. 22

Regarding general State Mining and Reclamation Act (SMARA) comments:

The applicant claims “Under SMARA, local land use decisions involving areas designated as being of regional or statewide significance must be made in accordance with the lead agency’s mineral resource management policies and must also, in balancing mineral values against alternative land uses, consider the importance of the minerals to their market region or the state as a whole, and not just their importance to the local jurisdiction.” This statement omits critical information:

- The SMGB has determined the aggregate to be of regional and not statewide significance; therefore there is no evidence to suggest the minerals deposits are important to the “state as a whole”.
- As stated above, San Luis Obispo and Santa Barbara counties have planned for and considered the regional market needs as evidenced by the adoption of the Specific Plans reference above.
- Public Resource Code § 2711(a), the section of SMARA on which the applicant focuses, is not the only place in SMARA where the intent of the Legislature is expressed. When viewed objectively in its entirety, SMARA acknowledges that the need for aggregate must be balanced against the adverse environmental effects and hazards that extractions of aggregate poses to public health and safety.
- In his Response to Comments for the San Luis Obispo-Santa Barbara Production-Consumption Region Designation Regulation Adoption Consideration, The Executive Officer of the SMGB (Mr. Stephen Testa) (August 14, 2014) emphasized that the ultimate authority to evaluate mining applications within the designated areas in light of each proposal’s potential local impacts including issues related to air, traffic, noise and buffer/setbacks:

“The designation of mineral lands by the SMGB pursuant to SMARA is based on the location of mineral resources determined to be of regional significance, and once designated, will be incorporated in the lead agency’s General Plan. The lead agency (i.e., County) ultimately determines whether it will grant a permit for mining or other proposed land use within such designated areas. Pursuant to Public Resources Code Section 2774.2(A), the SMGB cannot exercise permitting authority on behalf of a lead agency. In addition, the SMGB has no authority in addressing local issues pertaining to air, traffic, noise, and buffer zone or setbacks; such authority resides with the County. Designation does not prevent subsequent conservation of these areas, or consideration of some other land use incompatible with mining including incorporation of buffer zones or setbacks.”

- Based on the foregoing, it is clear that the County has the both the authority and responsibility to thoroughly evaluate proposed quarries in Classified or Designated Mineral Land areas and deny those applications whose benefits are outweighed by the significant and unavoidable environmental impacts of mining.
- Contrary to Ms. Treder’s implication, the intent of Classification-Designation is not to override communities or tip the balance in favor of mining projects that cause significant and disruptive impacts.

The applicant's claim that SMARA recognizes that if land use decisions are simply a beauty/popularity contest, quarries will always lose and that SMARA was enacted to protect from NIMBYism is misleading, inaccurate and very revealing of the applicant's disregard for community concerns:

- SMARA recognizes that a delicate balance must be struck between the need for aggregate and the project's environmental impacts.
- The applicant's statement is intended to downplay the project's expected significant impacts by suggesting these impacts are merely cosmetic and unimportant.
- As planning staff has explained, the Project will pose a significant threat to the health and welfare of its neighbors and Santa Margarita residents.
- Even if land use decisions were made solely on the basis of satisfying the need for aggregate alone, this project would not be approved because as explained above, this mine would not meet any unmet need.

The project applicant further writes that the basic requirements and policies of SMARA have not always been heeded by local governments and cites further findings of the Legislature regarding general information pertaining to the importance of local mineral resources throughout the State:

- Aggregate Resources in the San Luis Obispo and Santa Barbara Production/Consumption Region are plentiful and are recognized by the respective lead agencies.
- The State Mining and Geology Board (SMGB) writes: "To avoid dictating to local communities where future aggregate mines should be located, mineral designated areas generally contain resources (un-permitted deposits) that are far in excess of the regions 50-year demand". This attempts to provide maximum flexibility to local governments in making land use decisions, while still conserving an adequate amount of construction aggregate for the future."

The project applicant points out that SMARA requires that "local governments must notify the CGS and SMGB prior to approving any land uses that would threaten the potential to extract mineral resources in a classified area". This statement, however, does not apply here. SMARA §2792 addresses the situation actually present here:

§ 2792. Neither the designation of an area of regional or statewide significance nor the adoption of any regulations for such an area shall in any way limit or modify the rights of any person to complete any development that has been authorized pursuant to Part 2 (commencing with Section 11000) of Division 4 of the Business and Professions Code, pursuant to the Subdivision Map Act (Division 2 [commencing with Section 66410] of Title 7 of the Government Code), or by a building permit or other authorization to commence development, upon

which such person relies and has changed his position to his substantial detriment, and, which permit or authorization was issued prior to the designation of such area pursuant to Section 2790.

- Denial of this application as recommended by planning staff would not constitute approval of any land use and does not threaten the potential for future extraction in any classified area. The proposed site represents but a sliver of the acreage identified within only one Sector (Sector C) of the sectors identified by the California Geological Survey Special Report-215.
 - Denial best preserves the PCC-grade mineral resource for future extraction when it may actually be needed and when appropriate supporting infrastructure exists.
 - Denial upholds the rights and interests of the many surrounding property owners who have well established ministerial entitlements to develop residences within the land use category Residential Rural prior to and since Classification occurred.
-

B. History of the EX1 Overlay Zoning in San Luis Obispo County

The EX-1 Combining Designation is not a “zoning” designation as the applicant has suggested. The purpose of the EX-1 Overlay (combining designation) is merely to identify areas that have been “*classified as containing or being highly likely to contain significant mineral deposits.*”

- A proposal for a quarry is not an existing mineral resource extraction use as emphasized.
- The purpose of the EX-1 Combining Designation is to protect existing resource extraction operations from encroachment by incompatible land uses that could hinder resource extraction. This does not mean that existing uses are to be sacrificed for the benefit of a proposed mining operation.
- The applicant’s assumption that when the County adopted the EX-1 overlay it carefully considered land use compatibility issues is incorrect. The EX-1 overlay included the mapping provided by the SMGB, which as described by the SMGB only identified the presence of a mineral resource.

The applicant has claimed that by adopting the EX-1 overlay, the County has essentially pre-determined that mining would be appropriate anywhere within the combining designation. This simply is not the case:

- The Adoption of the EX-1 Combining Designation with a Negative Declaration, does not mean the County has made a determination on the environmental impacts of any specific sites within the area.
- Each mining proposal within the EX1 designation must still be subject to a discretionary permitting process requiring all necessary findings be made for approval of a Conditional Use Permit.

- Here, after the conclusion of environmental review of the project, Planning Staff has objectively determined that the required findings to approve or conditionally approve a Conditional Use Permit (CUP) cannot be made.
- A CUP is not a guaranteed entitlement as was well communicated to the applicant very early in the process.
- Research on the 2 parcels near Sector C that have a mine buffer area appear inconsistent. Residential Rural parcels smaller and closer to the proposed site do not have the mine buffer area in Permit View.
- Several inclusions within San Luis Obispo County Ordinance 2498, which the Board of Supervisors enacted through the adoption of Resolution 98-218 (April 16, 1991) support Margarita Proud's position that County policy does not favor mineral extraction over environmental protection and health and safety of existing residents:

Purpose

3. To emphasize the conservation and development of the mineral deposits identified by the Division of Mines and Geology, provided that a high level of environmental quality is also preserved and protected through the discretionary approval process.

General Objectives

3. Extraction operations may be established in areas designated as Scenic and Sensitive lands in the adopted Open Space Plan only when the need for a particular resource or facility location is determined by the Board of Supervisors to outweigh the value of the scenic and sensitive land resource. Scenic and Sensitive lands may be subject to extraction operations or energy facility development only when no feasible alternative sites are available.

4. Evaluation of proposed extraction operations in areas having open space, scenic, habitat, recreational, or agricultural value shall balance those values against the need for extracting mineral resources from such sites.

5. Extraction operations shall provide and be provided with adequate buffering and screening from adjacent land uses.

7. Extraction site access routes shall not create nuisances, hazards or road maintenance problems for adjacent properties.

Resolution 98-218 makes it clear and reiterates that:

- Evaluation of each proposed mining operation requires balancing the perceived need for resources against the environmental impacts of the project, which must be evaluated on a site by site (project by project) basis.
- County policy does not favor new mining operations that are proposed in environmentally sensitive areas or areas that are adjacent to and therefore could affect established land uses such as residential and commercial that pre-date the SMGB classification (the process an EX-1 Combining Designation is in response to). Proposed mining projects that are

incompatible with environmental values or established communities, can properly be denied consistent with County policy.

- The existence of the EX-1 Combining Designation does not trump the basic purpose of planning to address compatibility between uses.
-

C. The Las Pilitas Quarry is at the wrong location

The applicant claims ‘The Oster property was specifically selected by the Las Pilitas Partners because of its location within a mineral zone and frontage on a state highway.’

- However, the project’s location directly on a state highway creates unavoidable problems because of the site’s unsafe access onto SR58 with high speed traffic and a limited line of sight.
- The project location creates unsafe traffic conditions because 80,000 lb. loaded trucks would be pulling out and slowly climbing a nearly 1/2 mile grade up over the Salinas River bridge. Ongoing traffic coming around a blind curve at high speeds could easily plough into the back of gravel trucks. This is a significant unaddressed safety hazard.
- Additionally the project would create a significant and unavoidable aesthetic impact in a highly visible view shed from highway 58, a valued scenic corridor.

The applicant further claims that “Mike Cole, one of the partners, lives across the street from the Oster property, and for 19 years (until 2011) he had his trucking company based at his house, with a fleet of up to 17 trucks. Accordingly, Mr. Cole knew from firsthand experience that large trucks could safely navigate that stretch of Highway 58 without issue.” These claims are false and misleading:

- The Coles live approximately ½ mile south of the Oster property on parcel 070-154-019 within the land use category Residential Rural.
- The Cole’s driveway is located in a stretch of road that has a far better line of sight than the proposed Oster site and on a portion of the road with minimal incline. Even so, the unloaded Cole trucks still created problems for travelers on SR58. In any event, the Coles’ anecdotal and self-serving claims do not amount to reliable or substantial evidence.
- It should also be noted that Cole’s trucking operation, which he now claims qualifies him as an expert on truck safety on Highway 58, was operated illegally in violation of County Code. A code enforcement case COD2010-00095 is on file for parcel 070-154-019. Despite efforts to present himself as a reliable and upstanding businessman, the record shows he knowingly operated his trucking business illegally.
- Moreover, claims about the number of truck numbers associated with his illegal business enterprise are not substantiated with any verifiable evidence.
- This history of intentional violations of existing land use regulations raises concerns and doubt regarding his future compliance with any conditions associated with approval of a CUP.

- Finally, it should be noted that contrary to the claim, the project before you is not “relatively small-scale”. Relative to its location and specific site characteristics and constraints, it is unacceptably large in scale, industrial in nature, and an extremely poor fit for the neighborhood.
-

D. Specific Claims in the Staff Report

1. Traffic

Regarding discussion on EIR’s calculation of 273 truck trips per day:

The applicant claims that the Project could average no more than 198 truck trips per day. This figure is based on an overall average of truck trips based on the project’s capacity. It does not reflect seasonal variations.

Average truck trips, however, do not accurately portray the seasonal nature of mining or the reasonably foreseeable circumstance that some days will have a significantly greater number of trucks. This would be true, for example, during the busy late spring and summer construction season, when the demand for aggregate would be high, in contrast with rainy winter season, when most large scale construction operations slow down.

The applicant also claims that a new source of aggregate does not create additional or new demand for aggregate and that a new source of aggregate would only create a redistribution of existing truck traffic. There are several problems with this analysis:

- The discussion regarding redistribution of market share only mentions Hanson.
- Rocky Canyon would also be affected in redistribution of market share and their trucks do not currently go through Santa Margarita. Redistribution from Rocky Canyon would increase truck traffic through downtown Santa Margarita.
- Also, regardless of where trucks originate, only 35-40 % of trucks from Hanson go through downtown Santa Margarita. This proposal’s FEIR estimates that 80% of loaded trucks from the proposed project would travel through downtown Santa Margarita and 90% of loaded trucks would travel through the school zone and RR crossing. All trucks accessing the proposed Project would travel through the school zone and RR crossing.
- Moreover, the applicant’s claim cannot be reconciled with their other claim that the County should approve the project because the County is in desperate need for aggregate. The applicant’s claim that a new mine would only cut into the business of other mines proves their contention that there is an actual need for a new mine is FALSE.
- The requested extraction rate is simply out of scale with the proposed site and the haul route’s safe capacity. Truck trip counts are a simple and crude derivation from the annual extraction rate. The only way to ensure truck traffic would not cause overwhelming impacts on the community, both the annual and daily volume permitted would need to be reduced . In the

unlikely event that the County would consider approving the Project, conditions of approval must set strict limits on the number of daily truck trips.

- As mentioned above, we believe the reasonable worst case daily scenario defined by CEQA has been drastically understated by averaging truck trip counts without regard to seasonal variations.
 - Moreover, there is insufficient evidence and analysis in the record to accurately predict any significant reduction in the number of daily truck trip counts associated with the operation of other quarries.
 - Owing to the predicted number of daily trucks, ingress and egress of large trucks cannot be safely managed at the site. The steep and winding Entrance Road directly adjacent to Hwy. 58 cannot accommodate the queuing of 26 trucks as stated and will consequently cause unsafe conditions and random staging events at yet to be disclosed locations.
 - The traffic impacts disclosed in the FEIR are understated because a passenger-car equivalency (PCE) factor per the Highway Capacity Manual (HCM) was not used for project truck trips. PCE represents the number of passenger cars displaced by each truck in the traffic stream and have been used extensively in HCM analysis methodologies to establish the impact of heavy trucks, buses, recreational vehicles, etc. on traffic flow.
 - Section 6.0 of the EIR, Project Alternatives, failed to address and evaluate a reduced extraction volume alternative, so in the unlikely event the County decides to approve the Project, additional environmental review would be required to determine if a scaled down project alternative would cause less significant impacts to public health and safety and is feasible.
-

The applicant disagrees with the EIR and Staff's conclusion that the Project would significantly affect bicyclists because, it contends, the quarry trucks will only be on the road Monday – Friday. The applicant claims mine's operation schedule would avoid conflicts with the majority of the recreational bicyclists who, according to the applicant, only use the road on weekends.

- Again, no evidence supports the applicant's argument. The local residents' observation is that individuals and bicycle groups frequently ride on Highway 58 on weekdays, with many riders using the road primarily on weekdays.

The applicant also argues that if large trucks were truly a legitimate concern, then all trucks should be barred from using Highway 58, not just quarry trucks. This is a straw man argument:

- Barring all trucks from the highway is clearly impractical, unnecessary, and not at all what is being advocated by the community.

- The County of San Luis Obispo has not only the authority, but a duty and responsibility to make land uses decisions that take into account “the safe capacity of all roads providing access to the Project, either existing or to be improved with the Project”.²
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2. Noise

The applicant claims that because the County grants exemptions from the Noise Ordinance for the “construction” phases of projects (and is puzzled why staff did not disclose that here), the first phase of the operation of the mine should be exempt from the noise ordinance. The applicant’s claim is absurd. Even the early phases of the Project must be considered part of the operation because the excavated material will be sold and the early phase will last for a number of years. The intent of the exemptions is for “construction” (intermittent and short term in nature), not for operations. The vast majority of the early phases activities of the mine cannot be considered construction.

The applicant continues to argue that it is “beyond improbable” that operational noise between 7am and 5pm would cause the afflictions listed in the staff report. This claim too is false because many local residents will be home during these hours, and would therefore be significantly impacted.

Regarding blasting, the applicant states (without any evidence) that it is unlikely that the noise or vibration would travel as far as the nearby residences. This is an interesting statement considering how close many residences are to the proposed quarry.

We additionally believe the noise impacts at the project site are understated due to the EIR’s failure to analyze ingress and egress along the Entrance Road. Jake brakes would be a routine occurrence for a fully loaded double traversing down the steep and winding driveway.

3. Santa Margarita Design Plan

The applicant states that around the time the Design Plan was approved, there was an offer by a developer to re-route Highway 58 around town and that there was widespread public outcry, thinking that moving Highway 58 would kill local businesses and the character of the downtown. No documentation or specifics were provided. Even if this statement is true, it is completely irrelevant in the present context.

- The truth is that Santa Margarita has taken great strides in the direction of achieving the goals of the Design Plan and has increasingly become a destination on its own.

² Required Findings (E), pg. 5, County of SLO Dept. of Planning and Building Staff Report

- Santa Margarita's location is prime, a short commute from San Luis Obispo and our North county wine region make it a very desirable and convenient destination, and the gateway to the Carrizo Plains National Monument.
- The Design Plan recognizes that the success of downtown Santa Margarita depends on pedestrian traffic and recommends traffic calming measures as the highest priority. As the staff has clearly explained, the proposed project would be contrary to the goals of the Design Plan making the main drag in town virtually un-walkable during the operation of the mine.

The applicant states "in order to ensure consistency with the Design Plan's goals for a walkable, pedestrian-friendly downtown, Las Pilitas Resources has negotiated for a free public parking lot in the center of downtown, something that has been on the communities wish list for some time." This is simply not a truthful statement:

- The public parking lot in the center of downtown was negotiated for by Topaz Solar during the construction of the Solar projects on the Carrizo Plain.
- The lot is owned by the fire department and now that Topaz has finished construction is being made temporarily available to the community by the fire department.
- The lot will eventually become the building site for the new fire department.
- While it is appreciated if the applicant is offering to join in community volunteer efforts and help to maintain the existing parking lot, it should be known that the lot is temporarily offered to the community by the fire department regardless of any potential participation in maintenance by this applicant.

Again, we encourage review of our previous submittals and those from our counsel, Babak Naficy, on our behalf. We continue to encourage your Commission to base your decision on sound planning principles and the substantial factual evidence that exists. As more and more information emerges, the depth of your staff's research in reaching their recommendation is becoming increasingly apparent. Please support their continued good work and DENY this poorly planned, poorly located, and unnecessary proposal.

Roy Reeves



President, Margarita Proud

Tim Haley	
Contact Information (Phone Number, Email, etc.)	thjcsaddleup@charter.net
Question or Comment	<p>Commissioner Campbell; It is beyond comprehension as to why you would vote for the approval of the Las Pilitas Rock quarry project. You stated you favored the property rights of the applicants. What about the property rights of the remaining citizens of the neighborhood.? Everyone has the right to expect to enjoy their property without intrusive activities of their neighbors. These are called nuisance laws that go back to common law established in England at the time of the Magna Carta. You state that there is or will be a demand for the product yet the two existing quarries in the area are not operating at capacity and all data presented proved the opposite other than fabricated data from the applicant. You also stated that the negative impacts of the quarry could be mitigated. Are you living in a dream world? How do you mitigate 285 trucks traveling through town? How do you mitigate the noise? how do you put back a mountain once torn down? how do you mitigate any of the issues YOUR staff pointed out to be unsolvable issues? You don't..... You should NOT be on any planning commission because you are not in touch with the constituents of the community nor reality. Thank goodness common sense prevailed and the rest of the commission listened to the will of the people.</p>